



RECEIVED

JUN 30 2006

PCT SPECIAL
PROGRAMS OFFICE

1100 SUPERIOR AVENUE
SEVENTH FLOOR
CLEVELAND, OHIO 44114-2518
Telephone: 216/861-5582
Facsimiles: 216/241-1666 and 216/241-5147

DATE: June ³⁰~~29~~, 2006

TO: UNITED STATES PATENT AND TRADEMARK OFFICE

ATTN.: Debbie

FACSIMILE NO.: 571-273-0419

FROM: Richard M. Klein, Esq.

RE: Serial No. 10/525,689 (Our Ref.: BATZ 2 00001-3(II)-3 US)

TOTAL PAGES: 7 (including cover sheet)

Please call us immediately at (216) 861-5582 if this transmission is incomplete or illegible.

COMMENTS:

Pursuant to a telephone conversation this afternoon, attached is a copy of a Request for Change of Filing Status submitted on September 1, 2005 as well as the return postcard thereto. Also attached is a filing receipt dated January 27, 2006 showing that the application is still classified as a small entity. Any assistance you could provide would be appreciated.

The documents accompanying this facsimile transmission include information from the firm of Fay, Sharpe, Fagan, Minnich & McKee, LLP that might be legally privileged and/or confidential. The information is intended for the use of only the individual or entity named on this cover sheet. If you are not the intended recipient, any disclosure, copying, or distribution of these documents, or the taking of any action based on the contents of this transmission, is prohibited. If you have received this transmission in error, these documents should be returned to this firm as soon as possible, and we ask that you notify us immediately by telephone so we can arrange for their return to us without cost to you.

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S) : Monzyk et al.
TITLE : OXYGEN GENERATION IN WHOLE
BLOOD BY PHOTOLYTIC ACTIVATION
APPLICATION NO. : 11/130,047
FILED : May 16, 2005
CONFIRMATION NO. : Not Yet Assigned
EXAMINER : Not Yet Assigned
ART UNIT : Not Yet Assigned
LAST OFFICE ACTION : None
ATTORNEY DOCKET NO. : 22182(2) 13483 CIP (BATZ 2 00001-3(III))
Cleveland, OH 44114
September 1, 2005

REQUEST FOR CHANGE OF FILING STATUS

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-referenced patent application was filed as a small entity. Due to licensing issues, the application should have been filed as a large entity. Therefore, Applicant(s) respectfully request the filing status of the captioned application be changed to reflect large entity status.


Attorney Docket No. 22182(2) 13483 CIP
BATZ 2 00001-3(III)

Any additional fees are hereby authorized to be charged to Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

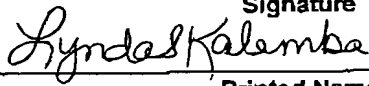
September 1, 2005
Date


Richard M. Klein, Reg. No. 33,000
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

	Signature 
Date September 1, 2005	Printed Name Lynda S. Kalemba

N:\BATZ\20000113\lisk0004335V001.doc

DOCKET No.: BATZ 2 00001-3(11)-3
APPLICANT(S): MONZYK ET AL
TITLE: Oxygen Generation in Whole Blood By...
☐ NEW PATENT APPLICATION, INCLUDING TRANSMITTAL ☐ UTILITY ☐ DESIGN
☐ PROV. ☐ CONT. ☐ CIP ☐ DIV. ☐ RCE ☐ PCT REQUEST ☐ 371 SUBMISSION
PAGES OF SPECIFICATION _____
PAGES OF CLAIMS _____
TOTAL CLAIMS _____ INDEPENDENT CLAIMS _____
PAGES OF ABSTRACT _____
SHEETS OF _____ DRAWINGS (FIGS. _____)
☐ DECLARATION AND POWER OF ATTORNEY
☐ ASSIGNMENT AND RECORDATION FORM COVER SHEET
☐ PRELIMINARY AMENDMENT
☐ CLAIM FOR RIGHT OF PRIORITY - APP. NO.: _____
FILED: _____ WHICH CLAIMS PRIORITY TO:
APP. NO.: _____ FILED: _____
☐ PRIORITY DOCUMENT(S)
☐ REQUEST & CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)
☐ INFORMATION DISCLOSURE STATEMENT, INCLUDING PTO
FORM 1449 AND _____ REFERENCES (IF REQUIRED)
☐ AMENDMENT (DUE: _____)
☐ AMENDMENT TRANSMITTAL LETTER
☐ PETITION FOR EXTENSION OF TIME FOR _____ MONTHS
☐ RESPONSE TO NOTICE TO FILE MISSING PARTS
☐ NOTICE OF APPEAL
☐ ISSUE FEE
☐ FEES SUBMITTED IN THE AMOUNT OF \$ _____
METHOD OF PAYMENT: ☐ PUBLICATION FEE
☐ PTO FORM 2038
☐ CHARGE DEPOSIT ACCOUNT
☐ CHECK(S) ENCLOSED

POSTCARD No.: 05-213
INITIALS: LSK
DATE: 09-01-05
PAT. No.: _____
SER. No.: 11/130,047
FILED: 05-16-05
OTHER: REQUEST FOR CHANGE
OF Filing Status



09-06-2005

U.S. Patent & TMOR/TM Mail Rcpt Dt. #30

"DOCKETED"

JAN 30 2006

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/525,689	08/24/2005	1742	665	BATZ 2 00001-3(II)-3 US	12	32	2

CONFIRMATION NO. 7655

27885

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND, OH 44114

FILING RECEIPT



OC000000017915765

Date Mailed: 01/27/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Bruce F. Monzyk, Delaware, OH;
Eric C. Burckle, Columbus, OH;

Assignment For Published Patent Application

Battelle Memorial Institute, Columbus, OH

Power of Attorney: The patent practitioners associated with Customer Number 27885.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/26012 08/21/2003
which claims benefit of 60/404,978 08/21/2002

Foreign Applications

Projected Publication Date: 05/04/2006

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

DOCKETED

Photolytic oxygenator with carbon dioxide and/or hydrogen separation and fixation

Preliminary Class

204

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR

1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).